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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: High Tech Employee Antitrust
Litigation

This document relates to:

ALL ACTIONS

GREG GARRISON, DEBORAH VAN
VORST, and SASTRY HARI individually
and on behalf of all others similarly
situated;

Plaintiffs,

vs.

ORACLE CORPORATION, a Delaware
corporation;

Defendant.

MASTER DOC. NO. 11-cv-2509-LHK

CASE NO.: 5:14-cv-04592-LHK

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: October 15, 2015

Time: 1:30 p.m.

Courtroom: 8, 4th Floor

Judge: The Honorable Lucy H. Koh

1 Plaintiffs Greg Garrison, Deborah Van Vorst, and Sastry Hari ("Plaintiffs") and
2 defendant Oracle Corporation ("Oracle") submit this Joint Case Management Conference
3 Statement consistent with the Court's August 12, 2015 Case Management Order (ECF No. 124),
4 and in advance of the Case Management Conference set for October 15, 2015 at 1:30 p.m.

5 **I. CASE PROGRESS SUMMARY**

6 Since the parties' last Case Management Conference on August 12, 2015, this case has
7 progressed as follows:

8 **A. Pleadings**

9 On June 25, 2015, Oracle moved to dismiss Plaintiffs' Second Amended Complaint
10 pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 110. Plaintiffs filed their Opposition in response
11 to Oracle's motion on July 22, 2015. ECF No. 114. Oracle's reply brief was filed on August 13,
12 2015. ECF No. 104. The Court is presently scheduled to hear Oracle's motion on October 15,
13 2015 at 1:30 p.m.

14 **B. Discovery**

15 Document Production and Written Discovery.

16 In response to Plaintiffs' requests for production, Oracle has produced approximately
17 4,900 pages of documents in addition to the more than 5,000 pages of documents it produced to
18 the Department of Justice and turned over to Plaintiffs. To identify documents responsive to
19 Plaintiffs' requests, Oracle ran more than 350 search terms and its document review team
20 reviewed more than 74,000 documents. The last of Oracle's productions was 272 documents
21 and was produced on August 18.

22 Plaintiffs recently served a fifth request for production on Oracle. These requests seek,
23 among other things, transactional data reflecting compensation levels of employees impacted by
24 the alleged unlawful agreements between Oracle and other companies. Oracle's responses and
25 objections to Plaintiffs' fifth request for production are due on October 22, 2015.

26 Oracle served Plaintiffs with a second request for production of documents and a second
27 set of interrogatories on July 22, 2015. After seeking several extensions from Oracle, which
28 Oracle granted, Plaintiffs served their responses and objections on September 8, 2015.

1 (i) *Oracle's* position: To date, the three named Plaintiffs have produced
2 approximately 103 pages of documents in total, all in response to Oracle's first set of document
3 requests which were served in January. Plaintiffs refused to respond to many of Oracle's July 22
4 interrogatories and requests for production, and for the requests where they agreed to search for
5 responsive documents, they have yet to produce any documents. Oracle sent Plaintiffs a letter on
6 October 8 detailing its concerns with Plaintiffs' responses and, at this time, believes the parties
7 can resolve any disagreements through the meet and confer process.

8 (ii) *Plaintiffs'* position: Plaintiffs voluntarily supplemented responses to the January
9 requests for production once the two additional named Plaintiffs were added to this case.
10 Plaintiffs have objected to some of the numerous requests, but have never refused to respond.
11 Plaintiffs have each retained a computer forensic specialist who preserved the records on their
12 respective personal computers, and Plaintiffs have searched and produced numerous responsive
13 records – both hard copy and electronic. The first time that Plaintiffs were made aware of
14 Oracle's dissatisfaction with Plaintiffs' supplemented responses was when Oracle emailed
15 Plaintiffs its draft of this instant joint case management statement two days before it was due to
16 be filed with the Court. Defendant did not provide Plaintiffs with any information regarding
17 what specific responses or documents Oracle felt were deficient until after Plaintiffs requested to
18 know what Oracle found deficient. Indeed, upon receiving Oracle's recent vague claim of
19 dissatisfaction with the responses, Plaintiffs proactively and promptly reached out to Oracle to
20 inquire about what specifically Oracle felt was deficient so that Plaintiffs can promptly
21 supplement either or both their responses and or document production. Then, on the day that this
22 instant case management statement was due, Defendant finally informed Plaintiffs what specific
23 responses Defendant found deficient. Plaintiffs will review Oracle's letter received on today's
24 date and will respond to this letter prior to the case management conference in this case,
25 informing Oracle what specific responses and or record production Plaintiffs will supplement.

26 *Depositions.*

27 Once Oracle is satisfied that Plaintiffs have completely responded to Oracle's
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1 interrogatories and produced all responsive documents, Oracle will work with Plaintiffs to
2 schedule their depositions. Plaintiffs agree that they will promptly provide dates of availability
3 to Oracle upon request.

4 Plaintiffs have taken the depositions of the following non-party witnesses, the identity of
5 whom was revealed to Plaintiffs through their investigations and review of DOJ records
6 produced in this case: Anthony Miranda; Tom Byrom; and Krish Mohan.

7 As noted in the parties' last Case Management Conference statement (ECF No. 120), the
8 depositions of two former and current Oracle employees, David Malloy and Amanda Gill, were
9 scheduled to take place on August 28 and September 18, respectively. Plaintiffs postponed both
10 depositions. Oracle will work with Plaintiffs to reschedule these depositions for mutually
11 acceptable dates. Once the balance of Oracle's document production is produced to Plaintiffs'
12 counsel, the parties will meet and confer to discuss the scheduling of a 30(b)(6) deposition and
13 the topics Plaintiffs intend to pursue.

14 Third Party Subpoenas.

15 Plaintiffs have issued subpoenas to at least the following third-parties in this case: Adobe
16 Systems, Inc., Apple, Intel, Intuit, Google, IBM, Dell, Deloitte, Lucas Film, and Pixar. Plaintiffs
17 have now received documents from all but IBM, Dell, Deloitte, Pixar and Lucas Film and are
18 meeting and conferring with those entities. However, IBM has now informed Plaintiffs that
19 production will occur next week. Plaintiffs do not presently anticipate the need to compel any
20 other records from these parties. Plaintiffs have produced to Oracle all documents that they have
21 received to date through their third-party subpoenas.

22 Oracle has subpoenaed records regarding the named Plaintiffs' employment from
23 Accenture, Adobe Systems, Inc., Corinthian Colleges, Covansys Corporation, Xerox
24 Corporation, Westwood College, Visa International, Staples Inc., Opti Frame, Omnicell, Inc.,
25 Intuit Inc., Hewlett-Packard, Dickinson Financial Corporation, and Google Inc. Oracle has
26 produced to Plaintiffs all responsive documents that it has received to date through its third-party
27 subpoenas.

II. SCHEDULING

At the last case management conference the Court amended the case schedule as follows
(ECF No. 124):

Scheduled Event	<u>Date</u>
Hearing on Motion to Dismiss	October 15, 2015, at 1:30 p.m.
Further CMC	October 15, 2015, at 1:30 p.m.
Deadline to Complete ADR	January 29, 2016
Class Certification Briefing	Motion: March 10, 2016 Opposition: April 21, 2016 Reply: May 19, 2016
Class Certification Hearing	June 9, 2016, at 1:30 p.m.
Fact Discovery Cutoff	June 30, 2016
Opening Expert Reports	July 21, 2016
Rebuttal Expert Reports	August 11, 2016
Close of Expert Discovery	September 1, 2016
Last Day to File Dispositive Motions	September 15, 2016
Hearing on Dispositive Motions	October 27, 2016, at 1:30 p.m.
Final Pretrial Conference	December 15, 2016, at 1:30 p.m.
Jury Trial	January 23, 2017, at 9:00 a.m.
Length of Trial	14 days

Dated: October 8, 2015

HOGUE & BELONG

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14 **ATTESTATION**

15 I, Tyler J. Belong, hereby attest that concurrence in the filing of this document has been
16 obtained from each of the signatories.

17 /s/ Tyler J. Belong
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